

REMARKS

The outstanding issues in the instant application are as follows:

- Claims 1 – 20 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 1 – 20 are pending in this application.

I. DRAWINGS

The Examiner requests Applicant to submit formal drawings with this response. However, the Examiner has failed to point out what aspects of the drawings filed with this application are informal. Applicant believes and asserts that the drawings originally submitted with this application are formal and comply with all statutory requirements. If the Examiner has a specific objection to the drawings, he is respectfully requested to state the deficiency that he sees therein.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1 – 20 are rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. US/2002/0046041 to Lang (hereinafter *Lang*) in view of U.S. Patent No. 6,092,197 to Coueignoux (hereinafter *Coueignoux*) and in further view of U.S. Patent Publication No. US/2002/0032661 A1 to Schuba (hereinafter *Schuba*) and U.S. Patent No. 6,572,014 to Lambert (hereinafter *Lambert*).

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combined prior art references must teach or suggest all the claim limitations. Without conceding any of these three criteria, Applicant asserts that the Examiner has failed to meet at least the first and third.

A. *Lang & Coueignoux: No Proper Motivation to Combine*

Claim 1 requires “a communication system … for transmitting said reputation information to said plurality of community organizations responsive to an authorization received by said user.” Similarly, claim 9 requires, “delivering at least one set of said identity attributes to said verified third party responsive to an authorization received from said verified associated user.” Also, claim 15 requires, “means for releasing selected reliability data to one of said verified plurality of participating user communities responsive to consent given by said associated user.” The Examiner admits that *Lang* fails to teach or suggest such limitations as transmitting the reputation information responsive to an authorization received by the user. Office Action, p. 2. The Examiner attempts to cure this deficiency by offering *Coueignoux*, which the Examiner contends teaches such limitation. The Examiner states that, “One having ordinary skill in the art would have found it motivated to utilize such a combination in order to enhance security, thereby ensuring that the response is authorized or signed by the user.” Office Action, p. 2. However, just because two references can be combined is not sufficient to establish a *prima facie* case of obviousness.

In determining the propriety of a case of obviousness, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification. *In re Linter*, 458 F.2d 1013, 1016 (CCPA 1972). In making this determination, the Examiner must consider the prior art references in their entirety, i.e., as a whole. M.P.E.P. § 2141.02; *W.L. Gore & Associates, Inc., v. Garlock, Inc.*, 721 F.2d 1540, *cert. denied*, 469 U.S. 851 (1984). Considering the entirety of the references, there is no appropriate motivation to combine *Lang* and *Coueignoux*, as suggested by the Examiner.

1. Proposed Combination Improperly Changes Principle of Operation

Lang teaches an automated system for exchanging reputation information. [0005]. *Lang* defines reputation as the general estimation in which a person or thing is held by the public or other group. [0029]. Thus, reputation information is information that is generated by the public or some group other than the party on whom the reputation is based. By this definition, reputation information would not contain confidential or private information

entered by the party on whom the reputation information is based. However, it may be of such a sensitive nature as to prompt control over which requesting entity is allowed access to the reputation information. [0042]. Regardless of the sensitivity, though, *Lang* defines the system in which stored reputation information is always available to, at least, some clients, i.e., the more sensitive the information is the fewer requesting clients may have access to it. [0042].

Coueignoux, on the other hand, teaches a system that uses interactive scripts for obtaining information directly from a party. Col. 6. According to *Coueignoux*'s teachings, some of this information may be confidential and private to the party entering the information. Col. 6. In *Coueignoux*, then, the party entering the information may or may not give authorization to publish some of this confidential or private information, i.e., make it available to other parties. Col. 6. Thus, in *Coueignoux*, the party entering the information may choose to protect the confidentiality or privacy of his own information, and, therefore, prevent some of his own confidential or private information from being published to third parties at all.

The combination of *Lang* and *Coueignoux* proposed by the Examiner would, therefore, change the principal of operation of *Lang* from a system where stored reputation information is always available to, at least, some category of requesting client, to a system in which such stored reputation information may never be available to any requesting client. Because *Lang* does not teach or suggest a situation in which reputation information would not be available to all requesting clients, the proposed change of operation is improper.

2. Combined Element from *Coueignoux* Fails to Support Examiner's Stated Motivation

In addition to the arguments expressed above, nothing in the teachings of *Coueignoux* or *Lang* suggest modifying *Lang* with the selected element of *Coueignoux*. The Examiner attempts to support his asserted combination by stating that, "One having ordinary skill in the art would have found it motivated to utilize such a combination in order to enhance security, thereby ensuring that the response is authorized or signed by the user." Office Action, p. 2. However, *Lang* already discloses security measures described to insure that, in certain circumstances, only authorized requesters receive some of the reputation information stored

in the *Lang* system. [0023], [0024], and [0042]. Thus, motivation based on enhancing security of the *Lang* reputation system is suspect. Moreover, nothing in *Lang* teaches or even suggests that an authorization from the party on whom the reputation information is based would increase the security of the *Lang* system. Similarly, nothing in *Lang* teaches or even suggests that an authorization from the party on whom the reputation information is based would increase the accuracy or reliability of the reputation information.

The authorization given by the party entering the information in *Coueignoux* has nothing to do with security, as the Examiner is attempting to assert, or any other aspects discussed in *Lang*, such as accuracy or reliability. In *Coueignoux*, the party entering the information may authorize publication of selected confidential or private information that he entered himself. One of ordinary skill in the art would recognize that privacy and confidentiality concerns are not the same as the security measures asserted by the Examiner. Therefore, one of ordinary skill in the art would not be motivated to incorporate the privacy protection in *Coueignoux* with the reputation service described in *Lang* in order to enhance security of the *Lang* system. The Examiner's stated motivation is simply not supported or suggested by the teachings in either *Lang* or *Coueignoux*.

3. *Coueignoux* is Nonanalogous to the Claimed Invention

In addition to the arguments expressed above, one of ordinary skill in the art would not combine any of the elements found in *Coueignoux* with *Lang*. In order to rely on a reference as basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned. *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992); MPEP § 2141.01(a). As stated above, *Lang* and the claimed invention deal with reputation services. In a reputation service, the reputation information is generated by entities other than the party on whom the reputation information is based. In contrast, *Coueignoux* is an information gathering service that gathers information directly from a party through scripts transmitted to the party's computer. The information gathered from the party in *Coueignoux* has nothing to do with that party's reputation. In fact, reputation information supplied from the party about whom the reputation information is directed would be inherently unreliable. Moreover, the manner in which the information is collected is

completely different. Therefore, *Coueignoux* is not within the same endeavor as the claimed invention. Furthermore, as noted above, the authorization requirement that the Examiner has taken from *Coueignoux* concerns protections of confidential and private information entered by a party and has nothing to do with either reputation information or security of that reputation information, as the Examiner is attempting to assert. Therefore, the teachings of *Coueignoux* are also not reasonably pertinent to the particular problem that the claimed invention is concerned. As such, there can be no proper motivation to combine *Coueignoux* with the teachings of *Lang*. M.P.E.P. § 2143.01; *In re Ratti*, 270 F.2d 810 (CCPA 1959).

Without the features combined from *Coueignoux*, *Lang* does not teach or suggest each and every limitation of independent claims 1, 9, and 15. Therefore, claims 1, 9, and 15 are patentable over *Lang* and/or *Coueignoux*. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejections of record.

Dependent claims 2 – 8, 10 – 14, and 16 – 20 each depend either directly or indirectly from one of base claims 1, 9, and 15, respectfully, and, thus, inherit each and every limitation of their respective base claim. Therefore, because of their dependency, claims 2 – 8, 10 – 14, and 16 – 20 teach limitations not disclosed or suggested by *Lang* and/or *Coueignoux*. Applicant, thus, asserts that claims 1 – 20 are patentable over the § 103(a) rejections of record and respectfully requests the Examiner to withdraw same.

B. *Lang* and *Schuba*

While the Examiner noted that *Schuba*, U.S. Patent Application No. 2002/003261 A1, was not a part of the rejection, he suggested that *Schuba* may also be combined with *Lang* in order to provide the missing element of transmitting reputation information on authorization of the user. Office Action, p. 3. However, as noted above, in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned. *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992); MPEP § 2141.01(a). *Schuba* is clearly nonanalogous to the claimed invention.

The claimed invention deals, in general, with a reputation authority for electronically storing reputation information relating to a user, as disclosed in claim 1. *Schuba* is a method

for authorizing remote transactions in which the user authorizes the package of information to be sent to the remote transaction authorization authority. [0005] – [0009]. *Schuba* was specifically intended for wireless devices in which it would be disadvantageous to transfer a large amount of data for transaction authorization over the wireless network. [0003] – [0004]. Thus, the underlying objects of each invention are completely different.

In *Wang Laboratories, Inc., v. Toshiba Corp.*, the Federal Circuit held that an invention directed to a single in-line memory module (SIMM) for installation on a printed circuit board for use in personal computers was not analogous to a SIMM for an industrial controller. Even though both inventions concerned SIMM modules in general, because their application and makeup were different, the cited reference was held to be nonanalogous. 993 F.2d 858 (Fed. Cir. 1993). In the present case, the reference and the claimed invention are even more different than the SIMMs discussed in *Wang*. In the present case, both inventions involve computers at some level; however, that is where the similarity ends. The underlying functions of each feature are completely different. The Examiner is simply picking a feature from nonanalogous references in order to provide missing claim limitations. Therefore, *Shuba* cannot properly be combined with *Lang* under 35 U.S.C. § 103.

C. *Lang* and *Lambert*

The Examiner suggested that *Lambert*, U.S. Patent No. 6,572,014, was not a part of the rejection, he alleged that *Lambert* may also be combined with *Lang* in order to provide the missing element of transmitting reputation information on authorization of the user. Office Action, p. 3. However, as noted above, in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned. *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992); MPEP § 2141.01(a). *Lambert* is also clearly nonanalogous to the claimed invention.

The claimed invention deals, in general, with a reputation authority for electronically storing reputation information relating to a user, as disclosed in claim 1. *Lambert* is a computer peripheral for transmitting security information, such as biometrics, along with information in order to complete a remote transaction. Col. 15. The object and underlying function of each invention are completely different. As explained above, the vast differences

in the claimed invention and *Lambert* make them nonanalogous art. Therefore, *Lang* and *Lambert* also cannot be properly combined under 35 U.S.C. § 103(a).

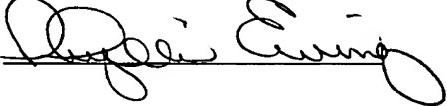
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10007376-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482735228US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: September 28, 2004

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